

REMARKS

In the non-final Office Action dated April 17, 2008, it is noted that claims 1 – 11 are pending in the application.

The Office Action objects to claim 6 for an informality. In the present amendment, claim 6 has been amended to obviate the objection. Applicants note that claim 6 is amended for non-statutory reasons. The claims are not narrowed in scope and no new matter is added. Withdrawal of the objection to claim 6 is respectfully requested.

35 U.S.C. §101

The Office Action rejects claim 11 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

In the present amendment, claim 11 has been amended to claim a computer-readable medium encoded with a software program. No new matter has been added. Applicants submit that amended claim 11 now directs to a statutory subject matter. Withdrawal of the rejection of claim 11 under 35 U.S.C. §101 is respectfully requested.

35 U.S.C. §102

The Office Action rejects claims 1, 2, 4, 5, 8, 9 and 11 under 35 U.S.C. §102(b) over Agnihotri et al., US Pub No 2002/0178440 (hereinafter “Agnihotri”).

Applicants submit that for at least the following reasons, claims 1, 2, 4, 5, 8, 9 and 11 are patentable over Agnihotri.

For example, claim 1 requires:

“enabling to use a profile of the user for control of processing the content information for the purpose of personalizing the rendering during play-out of the content information.”

Agnihotri, paragraphs 17 – 19, 21, 25; Fig. 3A – 3C, discloses automatically selecting an alternate item based on user behavior. Agnihotri teaches that the recommender monitors viewer

behavior and automatically selects an alternate program when the viewer does not sufficiently like the current program selection. However, Applicants submit that Agnihotri does not teach or suggest processing the content information for the purpose of personalizing the rendering during play-out of the content information, as claimed. This is because in Agnihotri, when the recommender changes from one program item to another program item, only the program contents are changed, and there is no teaching or suggestion of personalizing how the programs are rendered. Applicants submit that changing the program contents does not teach personalizing the rendering during the play-out of the content information as claimed. Therefore, Agnihotri does not teach or suggest the claimed feature: enabling to use a profile of the user for control of processing the content information for the purpose of personalizing the rendering during play-out of the content information.

In view of the foregoing, Applicants submit that claim 1 is patentable over Agnihotri.

Claims 8 and 11 are also patentable because they contain many similar distinguishing features as in claim 1.

For example claim 8 requires:

“a controller coupled to the memory for controlling a processing of the content for the purpose of personalizing the rendering during play-out of the content, under control of the profile.”

Claim 11 requires:

“the software program being configured to use a profile of the user for control of processing the content information for the purpose of personalizing the rendering during play-out of the content.”

Applicants repeat the above arguments with respect to claims 8 and 11 as to why Agnihotri fails to disclose the feature: a controller coupled to the memory for controlling a processing of the content for the purpose of personalizing the rendering during play-out of the content, under control of the profile, as claimed in claim 8, and the feature: the software program being configured to use a profile of the user for control of processing the content information for

the purpose of personalizing the rendering during play-out of the content, as claimed in claim 11. Therefore, claims 8 and 11 are also patentable over Agnihotri.

Claims 2, 4, 5, and 9 are patentable because they respectively depend from claims 1 and 8, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 1, 2, 4, 5, 8, 9 and 11 under 35 U.S.C. §102(b) is respectfully requested.

35 U.S.C. §103

The Office Action rejects claim 3 under 35 U.S.C. §103(a) over Agnihotri in view of Hoffberg et al., US Patent No 5,875,108; claims 6 and 10 under 35 U.S.C. §103(a) over Agnihotri in view of Kowald, US Patent No 2003/0002715; and claim 7 under 35 U.S.C. §103(a) over Agnihotri.

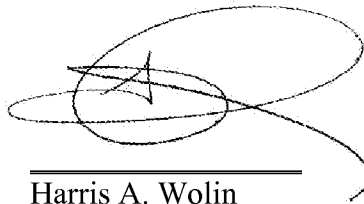
Applicants submit that none of the secondary references cited above, either singly or in combination can cure the defects pointed out above with respect to Agnihotri. Therefore, claims 3, 6, 7 and 10 are patentable because they respectively depend from claims 1 and 8, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 3, 6, 7 and 10 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Harris A. Wolin', written over a horizontal line.

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